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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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William Suttle Peters

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EXAMINER

PORTER, JR, GARY

ART UNIT

PAPER NUMBER

4177

MAIL DATE

DELIVERY MODE

08/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-10, drawn to a percutaneous gas-line having a first and second part.

Group II, claim(s) 11-13, drawn to a method of providing heart assistance to a patient.

Group III, claim(s) 14, drawn to a gas line for connecting an inflatable heart assist actuator to a driver.

1. The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:
2. There is not a special technical feature common to all the groups that make a contribution over the prior art. A percutaneous gas line having a first part implanted in the patient and a second part partially implanted in the patient is known in the art, as can be seen in the example found in Peters et al. (US Pub 2004/0073080).
3. Furthermore, the special technical feature of Group I, a first part connected to a medical device and a connection fitting; a second part connected to a driver and a connection fitting, is not shared in group II and group III. The special technical feature of group II, a method of assisting the heart, is not shared by group I or group III. The special technical feature of group III, a gas line having an ECG attached to it, is not shared by group I or group II. Therefore, the respective groups lack the same or corresponding special technical features and do not relate to a single general inventive concept.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARY A. PORTER, JR whose telephone number is (571)270-5419. The examiner can normally be reached on Monday - Thursday, 8AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang Thanh can be reached on (571)272-4982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A. P./
Examiner, Art Unit 4177

/Quang D. Thanh/
Supervisory Patent Examiner, Art
Unit 4177

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